

whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (49 U.S.C. 30161) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket

supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend 49 CFR Part 571 as follows:

PART 571—[AMENDED]

1. The authority citation for Part 571 would be revised to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. In § 571.121, S5.3.5 introductory text and S5.3.5(a) would be revised to read as follows:

§ 571.121 Standard No. 121; Air brake systems.

* * * * *

S5.3. Control signal pressure differential—converter dollies and trailers designed to tow another vehicle equipped with air brakes.

(a) For a trailer designed to tow another vehicle equipped with air brakes, the pressure differential between the control line input coupling and a 50 cubic inch test reservoir attached to the control line output coupling shall not exceed the values specified in S5.3.5(a) (1) and (2) under the conditions specified in S5.3.5(b) (1) through (4)—

(1) 1 p.s.i. at all input pressures equal to or greater than 20 p.s.i.; and

(2) 2 p.s.i. at all input pressures from 20 p.s.i. to 40 p.s.i.; and

(3) not more than a 5 percent differential at any input pressures above 40 p.s.i.

* * * * *

Issued on July 6, 1994.

Patricia P. Breslin,

Acting Associate Administrator for Rulemaking.

[FR Doc. 94-16913 Filed 7-12-94; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter II

[Docket No. 940558-4158; I.D. 052394B]

West Coast Salmon Fisheries; Disaster Relief

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; modification of comment period.

SUMMARY: NMFS is reducing the comment period on the advance notice of proposed rulemaking regarding appropriate limitations, terms, and conditions the agency should use in providing proposed assistance to person engaged in commercial fisheries for uninsured losses resulting from the west coast salmon fisheries resource disaster.

DATES: Comments must be received by July 15, 1994.

ADDRESSES: Comments should be sent to Bruce Morehead, Office of Trade and Industry Services, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Bruce Morehead, 301/713-2358.

SUPPLEMENTARY INFORMATION: An advance notice of proposed rulemaking, requesting public comment over a 60-day period, was published in the *Federal Register* on June 3, 1994, at 59 FR 28838. In addition to the comment period on the advance notice of proposed rulemaking, NOAA/NMFS held a series of meetings with the affected public and received numerous comments that it is crucial to expedite the development and publication of the proposed and final rule for the disaster assistance program. NMFS agrees with the need to act quickly and believes that the public will not be disadvantaged by the shortened comment period because of the public meetings and the fact that there will be additional opportunity to comment on the proposed rule.

Dated: July 7, 1994.

Charles Karnella,

Acting Program Management Officer,
National Marine Fisheries Service.

[FR Doc. 94-16874 Filed 7-7-94; 4:27 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC61

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Jaguar in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 12-month

finding on a petition to extend endangered status to the jaguar (*Panthera onca*) throughout its range under the authority of the Endangered Species Act of 1973, as amended (Act). The Service finds that the petitioned action is warranted. The jaguar is currently listed as endangered from Mexico southward to Central and South America. In the United States the primary threat to this species is from shooting. Loss and modification of the jaguar's habitat may have also contributed to its decline. While no breeding population of the jaguar is known to survive in the U.S., the species is present in northern Mexico, and wandering individuals occasionally cross the border. A minimum of 64 jaguars have been killed in Arizona since 1900. The most recent was in 1986. This proposal, if made final, will extend Federal protection provided by the Act for such dispersing animals. Critical habitat is not being proposed. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by September 12, 1994. Public hearing requests must be received by August 29, 1994.

ADDRESSES: Comments and materials concerning this proposal should be sent to the State Supervisor, Arizona Ecological Services State Office, U.S. Fish and Wildlife Service, 3616 West Thomas Road, Suite 6, Phoenix, Arizona 85019. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sam Spiller, State Supervisor, at the above address, or telephone 602/379-4720.

SUPPLEMENTARY INFORMATION:

Background

The jaguar (*Panthera onca*) is the largest species of cat native to the Western Hemisphere. Jaguars are muscular cats with relatively short, massive limbs and a deep-chested body. They are cinnamon-buff in color with many black spots. Their range in North America includes Mexico and portions of the southwestern United States (Hall 1981). A number of records of jaguars are known for Arizona, New Mexico, and Texas. Additional reports exist for California and Louisiana. Records of the jaguar in Arizona and New Mexico have been attributed to the subspecies *Panthera onca arizonensis*. The type specimen of this subspecies was collected in Navajo County, Arizona, in 1924 (Goldman 1932). Nelson and Goldman (1933) described the

distribution of this subspecies as the mountainous parts of eastern Arizona north to the Grand Canyon, the southern half of western New Mexico, northeastern Sonora, and, formerly, southeastern California. The records for Texas have been attributed to *P. o. veraecrucis*. Nelson and Goldman (1933) described the distribution of this subspecies as the Gulf slope of eastern and southeastern Mexico from the coast region of Tabasco, north through Vera Cruz and Tamaulipas, to central Texas.

Swank and Teer (1989) indicated the historical range of the jaguar included portions of the states of Arizona, New Mexico, and Texas. These authors consider the current range to occur from central Mexico through Central America and into South America as far as northern Argentina. They stated that the United States no longer contains established breeding populations, which probably disappeared from the United States in the 1960s. They also maintained that the jaguar prefers a warm tropical climate, is usually associated with water, and is only rarely found in extensive arid areas.

Brown (1983) presented an analysis suggesting there was a resident breeding population of jaguars in the southwestern United States at least into the 20th century. The Service (U.S. Fish and Wildlife Service 1990) recognized that the jaguar continues to occur in the American Southwest as an occasional wanderer from Mexico.

Previous Federal Action

The jaguar is listed as endangered from the U.S. and Mexico border southward to include Central and South America (37 FR 6476, March 30, 1972; 50 CFR 17.11, July 15, 1991). The species was originally listed as endangered in accordance with the Endangered Species Conservation Act of 1969 (ESCA). Pursuant to the ESCA, two separate lists of endangered wildlife were maintained, one for foreign species and one for species native to the United States. The jaguar appeared only on the List of Endangered Foreign Wildlife. In 1973, the Endangered Species Act superseded the ESCA. The foreign and native lists were replaced by a single "List of Endangered and Threatened Wildlife," which was first published in the Federal Register on September 26, 1975 (40 FR 44412-44429).

On July 25, 1979, the Service published a notice (44 FR 43705) stating that, through an oversight in the listing of the jaguar and six other endangered species, the United States populations of these species were not protected by the Act. The notice asserted that it was always the intent of the Service that all

populations of the seven species deserved to be listed as endangered, whether they occurred in the United States or in foreign countries. Therefore, the notice stated that the Service intended to take action as quickly as possible to propose inclusion of the United States portions of the species' range for listing.

On July 25, 1980, the Service published a proposed rule (45 FR 49844-49847) to list the jaguar and four of the other species referred to above in the United States. The proposal for listing the jaguar and three other species was withdrawn on September 17, 1982 (47 FR 41145). The notice issued by the Service stated that the Act mandated withdrawal of proposed rules to list species that have not been finalized within 2 years of the proposal.

On August 3, 1992, the Service received a petition from the instructor and students of the American Southwest Sierra Institute and Life Net to list the jaguar (*Panthera onca*) as endangered in the United States. The petition was dated July 26, 1992. Two subspecies of jaguar (*P. o. arizonensis* and *P. o. veraecrucis*) are recognized as occurring in the United States. Therefore both subspecies are encompassed by this proposed rule to revise the listed range of *Panthera onca*.

On April 13, 1993 (58 FR 19216-19220), the Service published a finding that the petition presented substantial information indicating that the petitioned action may be warranted and requested public comments and biological data on the status of the jaguar. Section 4(b)(3) of the Act requires the Secretary of the Interior to reach a final decision on any petition accepted for review within 12 months of its receipt. This proposal constitutes the final finding on the petitioned action.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal "List of Endangered and Threatened Wildlife and Plants." A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the jaguar (*Panthera onca*) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Within the United States, jaguars have been recorded most commonly from Arizona, but there are also records from California, New Mexico, and Texas, and reports from Louisiana. Currently there is no known resident population of jaguars in the United States, though they still occur in northern Mexico.

Arizona

Goldman (1932) believed that the jaguar was a regular, but not abundant, resident in southeastern Arizona. Hoffmeister (1986) considered the jaguar an uncommon resident species in Arizona. He concluded that the reports of jaguars between 1885 and 1965 indicated that a small but resident population once occurred in southeastern Arizona. Brown (1983) suggested that the jaguar in Arizona ranged widely throughout a variety of habitats from Sonoran desertscrub upward through subalpine conifer forest. Most of the records were from Madrean evergreen-woodland, shrub-invaded semidesert grassland, and along rivers.

The most recent records of jaguars in the United States are from Arizona. In 1971, a jaguar was taken east of Nogales and, in 1986, one was taken from the Dos Cabezas Mountains. The latter individual reportedly had been in the area for about a year before it was killed (Ronald M. Nowak, U.S. Fish and Wildlife Service, pers. comm., 1992).

The Arizona Game and Fish Department (AGFD) (1988) cited two recent reports of jaguars in Arizona. The individuals were considered to be transients from Mexico. One of the reports was from 1987 from an undisclosed location. The other report was from 1988, when tracks were observed for several days prior to the treeing of a jaguar by hounds in the Altar Valley, Pima County. An unconfirmed report of a jaguar at the Coronado National Monument was made in 1991 (Ed Lopez, Coronado National Monument, pers. comm., 1992).

Finally, there is a report of a jaguar sighted in December, 1993, on the Buenos Aires National Wildlife Refuge in the Baboquivari Mountains of southern Arizona. Refuge personnel believe that the chances are "very good" that this was a reliable sighting.

California

Merriam (1919) summarized several accounts of jaguars, from various locations in California, which were

obtained from documents published between 1814 and 1860. Strong (1926) provided evidence that the Cahuilla Indians of the Coachella Valley and San Jacinto and Santa Rosa Mountains of southern California were familiar with the jaguar. Nowak (1975) mentioned reports of jaguars in the Tehachapi Mountains from 1855, and the last known individual from California was killed near Palm Springs in 1860 (Strong 1926). Nowak speculated that the animal may have been a breeding individual.

Louisiana

Nowak (1973) speculated on the occurrence of jaguars east of Texas. Several early accounts mentioned jaguars and tigers. He cited Baird (1859) who believed that specimens had been taken from Louisiana. Nowak also discussed the killing of what was probably a jaguar near New River, Ascension Parish, Louisiana in 1886. Lowery (1974) mentioned this killing and included the jaguar in the fauna of Louisiana on a provisional basis.

New Mexico

Barber (1902) speculated that jaguars made their way into the Mogollon Mountains of New Mexico by ascending the Gila River. Bailey (1931) suggested that jaguars seemed to be native in southern New Mexico, but were regarded as wanderers from across the United States-Mexico border. He listed nine reports of jaguars in New Mexico from 1855 to 1905. Brown (1983) stated that the last record from New Mexico was from 1905. Nowak (1975) mentioned reports of jaguars along the Rio Grande from as late as 1922. Halloran (1946) reported that dogs "jumped" a jaguar in the San Andres Mountains in 1937. Findley *et al.* (1975) stated that jaguars once occurred as far north as northern New Mexico.

Texas

Bailey (1905) stated that the jaguar was once reported as common in southern and eastern Texas but had become extremely rare. Nowak (1975) believed that an established population once occurred in the dense thickets along the lower Nueces River and northeast to the Guadalupe River. He suggested that jaguars probably continued to wander from Mexico into the brush country of the southernmost part of the State. However, brush clearing has possibly reduced chances for reestablishment of the species in Texas.

Mexico

Leopold (1959) believed the distribution of the jaguar in Mexico included the tropical forests of southeastern Mexico, the coastal plains to the mouth of the Rio Grande on the Gulf of Mexico side, and the Sonoran foothills of the Sierra Madre Occidental on the Pacific side. The highest densities of jaguars were found along heavily forested flatlands and foothills of southern Sinaloa, the swamps of coastal Nayarit, the remaining uncut forests along the Gulf coast as far east as central Campeche, and the great rain forests of northern Chiapas. He indicated that occasional wandering individuals were found far from these areas; some followed tropical gorges far into mountains. He believed that jaguars followed big rivers on their northern movements; they traveled up the Brazos, Pecos, Rio Grande, Gila, and Colorado Rivers. He mentioned a 1955 record of a jaguar near the southern tip of the San Pedro Martir range, Baja California. Leopold asserted that this individual was 500 miles from regularly occupied jaguar habitat.

Swank and Teer (1989) described the distribution of the jaguar in North America as a broad belt from central Mexico to Central America. They found that the most northerly established populations, as reported by Mexican officials, were in southern Sinaloa and southern Tamaulipas.

Brown (1991) did not believe that the jaguar was extirpated from northern Mexico. Although jaguars were considered relatively common in Sonora in the 1930s and 1940s, he cited the most northern officially reported population as about 800 miles south of the United States-Mexico border. However, Brown suggested that there may be more jaguars in Sonora than are officially reported. He mentioned reports of two jaguars that were killed in central Sonora around 1970. He also discussed assertions by the local Indians that both male and female jaguars still occurred in the Sierra Bacatete. Brown speculated that if a reproducing population of jaguars is still present in these mountains, it may be the source of individuals that travel northward through the Sierra Libre and Sierra Madera until they reach Arizona. Nowak (pers. comm., 1992) reiterated that as late as 1987 the species was still considered common in the Sierra Bacatete near Guaymas, Sonora, which is about 200 miles south of Arizona.

Brown (1989) reported that biologists from Mexico have stated that at least two jaguars have been killed in Chihuahua. In 1987, Nowak (pers.

comm., 1992) claimed that jaguars were still regularly present along the Soto la Marina River of central Tamaulipas, which is about 150 miles from the southern tip of Texas. He also hypothesized that jaguars may be entering Arizona from Mexico as a result of habitat destruction in Sonora. Large stretches of natural forest have been cleared in central Tamaulipas. In Arizona, by contrast, jaguar prey populations have increased, and large tracts of brush and canyon woodland are still available to provide cover for jaguars. Listing will provide protection for individuals, which may lead to recolonization of currently unoccupied habitat and reestablishment of the species in portions of its historical Arizona range in the United States.

Clearing of habitat, destruction of riparian areas, and fragmentation or blocking of corridors may prevent jaguars from recolonizing previously inhabited areas. Although there is currently no known resident population of jaguars in the United States, wanderers from Mexico may cross the border and take up residency in available habitat.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

In Arizona, the jaguar's gradual decline was concurrent with predator control associated with the settlement of land and the development of the cattle industry (Brown 1983, Service 1990). Lange (1960) summarized the jaguar records from Arizona known up to that time. Between 1885 and 1959, the reports consisted of 45 jaguars killed, 6 sighted, and 2 recorded by sign.

Brown (1991) related that the accumulation of all known records indicated a minimum of 64 jaguars were killed in Arizona after 1900. When plotted at ten-year intervals, records of jaguars reported killed in Arizona and New Mexico between 1900 and 1980 demonstrated "a decline characteristic of an over-exploited resident population" (Brown 1983). Brown (1983) argued that if the jaguars killed during this period originated in Mexico, the numbers of killings should not suggest a pattern but should rather be irregular and erratic.

Bailey (1905) listed seven reports of jaguars killed in Texas between 1853 and 1903. Schmidly (1983) reported another jaguar shot in Mills County in 1904. Taylor (1947) mentioned a jaguar killed near Lyford, Willacy County, in 1912. Brown (1991) indicated jaguars were common in Texas until 1870. The last reports from Texas were of individuals killed in 1946 (San Benito,

Cameron County) and 1948 (Kleburg County). Nowak (1975) identified killing of jaguars for commercial sale of their furs as a factor in the extermination of a substantial resident population in central Texas during the late 19th century.

Although the demand for jaguar pelts has diminished, it still exists along with the business of hunting jaguars. In 1992, AGFD personnel infiltrated a ring of wildlife profiteers. That operation resulted in the March, 1993, seizure of three jaguar specimens, one of which was allegedly taken from the Dos Cabezas Mountains in Arizona in 1986. Two of the specimens had been covertly purchased from the suspects. During the investigation, several ties to Mexico jaguar hunting were discovered. Hounds bred and trained in the United States were sold to Mexican nationals for the purpose of hunting jaguars. Also, Mexican nationals prosecuted by the Service in 1989 for illegally importing jaguar pelts into the United States were continuing the practice of providing jaguar hunts in Mexico (Terry B. Johnson, Arizona Game and Fish Department, *in litt.*, 1993).

C. Disease or Predation

The Service is unaware of any known diseases or predators that threaten the jaguar at this time.

D. The Inadequacy of Existing Regulatory Mechanisms

State Regulations

Jaguars are listed as endangered by the State of Arizona. In general, violations of Arizona Game and Fish Laws (AGFD 1991) are class 2 misdemeanors. The Arizona Game and Fish Commission may, through civil action, seek to recover a minimum of \$750 for each endangered species unlawfully taken, wounded or killed. Special permits may be issued for taking depredating wildlife. The AGFD offered a reward of \$4,000 for information leading to a conviction for the reported killing of a jaguar in 1986. However, a conviction has yet to be obtained for that incident.

Under the California Code of Regulations, it is prohibited to import, transport, or possess jaguars. In Louisiana the jaguar receives no official protection from the State (Fred Kimmel, Louisiana Department of Wildlife and Fisheries, pers. comm., 1993). The jaguar is not listed as an endangered species, a game animal, or a fur-bearing animal by the State of New Mexico; it receives no official protection from New Mexico (Sartor O. Williams III, New

Mexico Department of Game and Fish, *in litt.*, 1992).

The jaguar is listed as endangered by the State of Texas (Texas Parks and Wildlife Department 1987). It is unlawful to take, possess, transport, export, process, sell or offer for sale, or ship jaguars in Texas. However, some of the above actions may be allowed for zoological gardens, and scientific, commercial, and propagation purposes with the proper permits. A first violation of the regulations or a permit is a Texas Parks and Wildlife Code C misdemeanor, which carries a fine of \$25 to \$500 (Capt. Harold Oates, Texas Parks and Wildlife, pers. comm., 1994).

In summary, although some States provide limited protection to the jaguar, illegal taking continues to occur. Listing the species under the Act would result in protective measures beyond those provided by the States.

Federal Protection

The jaguar is currently listed under the Act as an endangered species only in Mexico and southward to include Central and South America. Jaguars that may occur in, or immigrate into, the United States are not currently protected by the Act. The jaguar is on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). However, that listing does not prohibit the act of taking, possessing or transporting a jaguar within the United States and its territories.

The subspecies *Panthera onca veraecrucis*, with historical range in Texas and eastern Mexico, is designated by the United States government as a peripheral animal of concern in a provisional list for the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (Nowak, pers. comm., 1992). *Panthera onca arizonensis* is not so designated. This Convention, as implemented by sections 2 and 8(A) of the Act, does not require the protection of species listed only on a provisional basis. Therefore, neither *P. o. veraecrucis* nor *P. o. arizonensis* are currently protected.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

M-44 ejector devices with cyanide capsules used in Animal and Plant Health Inspection Service animal damage control programs to accommodate concerns of livestock owners over predator losses may be a threat to the jaguar (Terry B. Johnson, *in litt.*, 1993). Jaguars may also be victims of traps targeted for other predators such as bears and cougars.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to propose the jaguar (*Panthera onca*) as endangered throughout its range. The lack of protection under the Act for jaguars in the United States is due to an uncorrected technicality, rather than to any scientific information that jaguars do not require protection in the U.S. A decision to take no action would exclude the jaguar in the U.S. from needed protection pursuant to the Act. A decision to propose only threatened status would not adequately express the drastic distributional decline of the species and the continued jeopardy of any individuals in the U.S. Therefore, no action or listing as threatened would be contrary to the intent of the Act. Critical habitat is not being proposed at this time for the jaguar for reasons discussed in the "Critical Habitat" section of this proposal.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not presently prudent or determinable for this species. Specific habitat used by jaguars in the United States is unknown. It would be possible to delineate some general areas that the species would be most likely to use. However, the lack of knowledge on the species' habitat use makes critical habitat undeterminable.

The Service's regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species; or (2) such designation of critical habitat would not be beneficial to the species. As discussed in factor "B" above, the jaguar is highly threatened by taking. Jaguars are still in demand for hunts and as trophies and pelts. The last verified jaguar in Arizona was hunted and killed in 1986 approximately one year after it was known to be in the area. Publication of detailed critical habitat maps and descriptions in the *Federal Register* would likely make the species more vulnerable to activities prohibited under section 9 of the Act. In addition, since the primary threat to the species in the

United States is direct taking rather than habitat destruction, designation of critical habitat would not lessen, and may increase, the primary threat to the jaguar. Therefore, it would not be prudent to propose critical habitat for the jaguar at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and authorizes recovery plans for all listed species. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Federal actions that may affect the jaguar include clearing of habitat, destruction of riparian areas, fragmentation or blocking of corridors that jaguars may use to cross from Mexico to the United States, and any trapping or animal control activities designed to target the jaguar or other large predators.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue,

hunt, shoot, wound, kill, trap, or collect, or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued for a specified time to relieve undue economic hardship that would be suffered if such relief were not available. Permits may be sought since there are some zoos that have jaguars on display.

On July 1, 1975, the jaguar was included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The effect of this listing is that both export and import permits are generally required before international shipment may occur. Such shipment is strictly regulated by CITES party nations to prevent effects that may be detrimental to the species' survival. Generally, import or export cannot be allowed if it is for primarily commercial purposes. Requests for copies of the regulations on protected wildlife and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 420C, Arlington, Virginia 22203-3507 (703/358-2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;
- (2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical

habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Arizona State Supervisor (See ADDRESSES section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental

Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited herein is available on request from the State Supervisor, Arizona Ecological Services State Office (see ADDRESSES section).

Author

The primary author of this proposed rule is Lorena L. Wada of the Arizona Ecological Services State Office (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.11(h) by revising the entry for the jaguar (*Panthera onca*) under MAMMALS in the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Jaguar	<i>Panthera onca</i>	U.S.A. (AZ, CA, LA, NM, TX), Mexico, C. and S. America.	Entire	E	5, _____	NA	NA

Dated: June 29, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94–16911 Filed 7–12–94; 8:45 am]

BILLING CODE 4310–65–P